

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERIC T. ALSTON,

Plaintiff,

v.

THE CITY OF MADISON, et al.

Defendants.

ORDER

Case No. 13-cv-635-bbc
App. No. 16-1034

As directed by this court's order of January 7, 2016, plaintiff Eric T. Alston has submitted a certified trust fund account statement. Accordingly, the court must determine whether plaintiff qualifies for indigent status for the purpose of proceeding on appeal without prepayment of the \$505.00 fee and, if so, what amount must be assessed as an initial partial payment of the appeal fee under the 1996 Prisoner Litigation Reform Act. In the January 7, 2016 order, this court found that plaintiff's appeal is not taken in bad faith, and that plaintiff is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with this appeal without prepayment of the entire fee.

From the trust fund account statement that plaintiff submitted, I conclude that plaintiff qualifies for indigent status. Further, I calculate plaintiff's initial partial payment of the \$505.00 fee for filing the appeal to be \$8.13. Plaintiff must submit this amount on or before February 1, 2016.

If the balance in plaintiff's regular account is not sufficient to make the initial partial appeal payment, arrangements will have to be made by plaintiff with prison authorities to pay some or all of the fee from plaintiff's release account. The only amount plaintiff must pay at this time is the \$8.13 initial partial appeal payment. Before prison authorities take

any portion from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount, is owed.

ORDER

IT IS ORDERED that plaintiff Eric T. Alston's request to proceed without prepayment of the \$505.00 appeal fee is GRANTED. Plaintiff may have until February 1, 2016, in which to submit a check or money order made payable to the clerk of court in the amount \$8.13. If, by February 1, 2016, plaintiff fails to pay the initial partial appeal payment, or show cause for failure to do so, then I will advise the court of appeals of plaintiff's noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$8.13 initial partial appeal payment and the remainder of the \$505.00 appeal fee.

Entered this 11th day of January, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge